



Minutes Formal City Council Meeting September 10, 2009

Minutes of the Formal Council Meeting of Thursday, September 10, 2009, held at 7:40 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Shana Ellis
Councilmember P Ben Arredondo
Councilmember Mark W. Mitchell
Councilmember Joel Navarro
Councilmember Onnie Shekerjian
Councilmember Corey D. Woods

Mayor Hallman called the meeting to order.

1. Councilmember Navarro gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Councilmember Shekerjian to approve the following **COUNCIL MEETING MINUTES**.
Second by Councilmember Navarro. Motion passed unanimously on a voice vote.

1. Formal Council Meeting - August 20, 2009
2. Issue Review Session - July 2, 2009 & August 20, 2009
3. Council Executive Session - August 20, 2009
4. Council Workshop - August 21, 2009
5. Council's Joint Tempe Chamber of Commerce Dinner - August 27, 2009
6. Council's Sports, Recreation, Arts and Cultural Development Committee - May 12, 2009
7. DELETED
8. Council's Education Partnership Committee - August 17, 2009
9. Council's Housing Committee - August 18, 2009

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Shekerjian to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Navarro. Motion passed unanimously on a voice vote.

1. Multi-Modal Planning and Project Review - April 8, 2009 & June 10, 2009
2. Rio Salado Advisory Commission - April 28, 2009 & May 26, 2009
3. Golf Committee - May 6, 2009
4. Merit System Board - May 15, 2009
5. Tempe Aviation Commission - May 12, 2009 & June 16, 2009
6. Committee for Youth, Families and Community - June 9, 2009
7. Transportation Commission - June 9, 2009
8. Transit Fund Ad Hoc Committee - June 22, 2009
9. Public Involvement and Marketing Committee - July 13, 2009
10. Housing Trust Fund Advisory Board - July 30, 2009
11. Police Public Safety Personnel - Executive Session - July 9, 2009
12. Joint Meeting of the Police & Fire Public Safety Personnel Retirement Board - July 9, 2009
13. Fire Public Safety Personnel Retirement Board - July 9, 2009
14. Hearing Officer - August 4, 2009
15. Development Review Commission - August 11, 2009
16. Special Events Task Force - August 25, 2009

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

Mayor Hallman read the following Play Day Award Proclamation:

In July, Tempe was named a Playful City USA community by national non-profit organization, KaBOOM!. Tempe was given this designation because of the way it uses play and play spaces to positively impact childhood wellness, public safety and quality of life. Being a Playful City USA community is an honor that only 92 other communities in the entire country share, making Tempe part of an elite group dedicated to promoting play in children's lives. While the designation of Playful City USA is a tremendous achievement, it also carries with it great responsibility.

Tempe realizes that conventional play is unfortunately on the decline with our children, giving way to video games, online social sites and other forms of sedentary and solitary activities. As such, the city of Tempe must take action to encourage and facilitate play so that our children can exercise their bodies and minds, appreciate the outdoors, interact personally with other children and release energy in a healthy and fun way. As Tempe commits more fully to the cause of play by continuing to provide quality programs and recreational spaces for children, we

can help create a healthier and happier future for our children.

In honor of this designation, I proclaim the following:

WHEREAS, The City of Tempe's youth are the foundation upon which our future success is built; and play is a crucial factor in the overall well-being of children, and

WHEREAS, Children who play are healthier and suffer less obesity and obesity-related health problems such as diabetes and heart disease; and

WHEREAS, Children who play do better in school and develop cognitive skills that are linked to learning and academic performance; and

WHEREAS, Children who play learn the social skills that help them become happy and well-adjusted adults; and

WHEREAS, Play Day is a special day set aside to encourage and remind adults that the meaningful time they share with children is important to their development.

NOW, THEREFORE, I, HUGH HALLMAN, Mayor of the City of Tempe, Arizona, do hereby declare: September 19, 2009 as Play Day in Tempe, Arizona

Mayor Hallman read the following Constitution Week Proclamation:

During the summer of 1787, America's founding fathers gathered in Philadelphia to form, in their words, "a more perfect Union." At that time, this young nation was very much imperfect. The first document legally establishing the United States was the Articles of Confederation, ratified by the states only six years before. But from the very start, it proved itself woefully inadequate.

And so if America was to survive, it would again have to lay out the principles establishing an effective government while preserving the rights of citizens.

In mid-September of 1787, the Constitution was complete. To honor the words that form America's foundation, I proclaim:

WHEREAS, September 17, 2009, marks the 222nd anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, Our Constitution provides the safeguards for our liberties and fundamental rights, including free speech, religious liberty and equal protection of the law; and

WHEREAS, Society benefits from a greater understanding that the Constitution is part of our national heritage and the foundation of our government; and

WHEREAS, Citizens in Tempe and across our great nation share in the responsibility of protecting and defending the Constitution, and preserving it for posterity.

NOW, THEREFORE, I, HUGH HALLMAN, Mayor of the City of Tempe, Arizona, do hereby declare Sept. 17-23, 2009 as Constitution Week in Tempe, Arizona

B. Manager's Announcements - None

5. AGENDA

All items in these minutes identified with an asterisk (*) **are public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Councilmember Shekerjian to approve the Agenda as amended (Items #5A6, 5B5, 5B8, 5B12, 5E2 were removed for separate consideration). Second by Councilmember Navarro. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- *1. Approved a Series 06 bar liquor license for Chesney Enterprises Ltd., dba the Roc Bar & Grill, 1400 South McClintock Drive, #15.

COMMENTS	Douglas Chesney is the Agent for this application.
DOCUMENT NAME	20090910LIQ02 LIQ LIC (0210-02)

2. Approved **Contract #2007-153B**, an amendment to a prevention services grant agreement to be administered through Magellan Health Services of Arizona, Inc.

COMMENTS	The amendment provides bridge funding for a grant awarded for the tentative amount of \$217,061.01 and consists of federal and state funds.
DOCUMENT NAME	20090910cskb01 COMMUNITY SERVICES (0701-01)

3. Approved with condition a lot line adjustment for the MOENING RESIDENCE located at 4409 and 4415 South Terrace Road.

COMMENTS	Request for the MOENING RESIDENCE (PL090223) (Edward and Linda Moening, Edward Ableser property owners; Mark Luond, Morrison Maierle, Inc., applicant) for a lot line adjustment consisting of two parcels with a gross site area of 0.40 acres, located at 4409 and 4415 South Terrace Road in the R1-6, Single Family Residential District. The request includes the following:
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SBD09011 – A lot line adjustment between two (2) parcels.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before September 10, 2010. Failure to record the plat on or before September 10, 2010, which is one (1) year from the date of City Council approval, shall make the approval of the plat null and void.

DOCUMENT NAME

20090910dsdp01

PLANNED DEVELOPMENT (0406)

4. Approved with condition a final subdivision plat for BABA'S ACRES located at 12623 South 71st Street.

COMMENTS

Request by BABA'S ACRES (PL090181) (Donald R. Liem / Barbara K. Liem, property owners, Dennis Brady, Brady Aulerich Associates, applicant) to create three (3) lots located at 12623 South 71st Street in the AG, Agricultural District. The request includes the following:

SBD09012 – Final Subdivision Plat to create three (3) lots.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before September 10, 2010. Failure to record the plat on or before September 10, 2010, which is one (1) year from the date of City Council approval, shall make the approval of the plat null and void.

DOCUMENT NAME

20090910dsng01 PLANNED DEVELOPMENT (0406)

5. Approved with condition an Amended Subdivision Plat for PENTECOST INTERNATIONAL WORSHIP CENTER located at 807 South George Drive.

COMMENTS

Request for PENTECOST INTERNATIONAL WORSHIP CENTER (PL090109) (Pentecost International Worship Center, Hayford Gyampoh, property owner; Paul J. Prosser, Prosser Architects, applicant) for a new worship center consisting of approximately 0.70 acres, located at 807 South George Drive in the CSS, Commercial Shopping and Services District and R1-6, Single-Family Residential District. The request includes the following:

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before September 10, 2010. Failure to record the plat on or before September 10, 2010, which is one (1) year from the date of City Council approval, shall make the approved of the plat null and void.

SBD09009 – Amended Subdivision Plat combining three (3) lots into one (1) lot.

DOCUMENT NAME 20090910dsjc01 PLANNED DEVELOPMENT (0406)

6. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved the continuation of the Employment Agreement for Charles W. Meyer as City Manager.

DOCUMENT NAME 20090910casv01 POSITIONS AUTHORIZED (0302-01)

Councilmember Shekerjian made a motion to approve this item; seconded by Vice-Mayor Ellis. The Mayor called for comments. Councilmember Arredondo voiced his dissent of renewing this employment contract based on the following performance observations: 1) Mr. Meyer does not honor diversity in Tempe; 2) Mr. Meyer has not disciplined department heads that have not met job expectations; 3) Mr. Meyer does not communicate well with City Council. Vice-Mayor Ellis asked the City Attorney to clarify that the City Council has the authority to terminate the contract of appointees at any point in time. The City Attorney agreed and elaborated by saying that the qualifying appointees are the City Judge, City Clerk, City Attorney and City Manager.

Councilmember Shekerjian commended the City Managers financial expertise and leadership during difficult economic times. Mr. Meyer questions processes and Councilmember Shekerjian added that she has seen no evidence that Mr. Meyer does not honor diversity. This is a City Manager that quietly and competently does his job without getting involved in politics.

Councilmember Woods commented that Councilmembers had previously relayed their performance evaluation comments to Mr. Meyer and noted that communication was one of the topics covered. Councilmember Woods then voiced his support for the continuation of this employment contract.

Mayor Hallman stated that a facilitator was retained to assist in the City Council on the City Manager performance evaluation process. The comments that resulted from that process have been publicly released. Leadership strengths and areas for improvement were the two categories on this evaluation. Mayor Hallman read all of the comments.

Motion by councilmember Shekerjian for approval of this agenda item. Second by Councilmember Ellis. Motion passed 4-3 with Councilmembers Arredondo, Mitchell and Navarro dissenting.

B. Award of Bids/Contracts

1. Approved a one-year renewal of contracts with Proforce Law Enforcement and San Diego Police Equipment Company, Inc. for the purchase of ammunition for the Police Department

COMMENTS (RFP #09-023) Total cost for this contract shall not exceed \$175,000 during this renewal period.

DOCUMENT NAME 20090910fsmg08 PURCHASES (1004-01)

2. Approved a one-year City of Scottsdale contract with PFM Asset Management LLC for investment management services for the Accounting Division.

COMMENTS (FS05RP029) Total cost shall not exceed \$175,000.

DOCUMENT NAME 20090910fst02 PURCHASES (1004-01)

3. Approved **Contract 2009-175**, a one-year with four, one-year renewal options to Otto Logistic, LLC for sludge pickup, transportation and disposal from the South Tempe Water Treatment Plant.

COMMENTS (IFB # 10-010) Total amount not to exceed \$70,000.

DOCUMENT NAME 20090910fst06 PURCHASES (1004-01)

4. Approved a one-year renewal of contracts with A&A Materials, Inc. and Pioneer Sand Company for landscaping granite and sand.

COMMENTS (T08-129-01 and T08-129-02) Total cost for these contracts shall not exceed \$200,000 during the renewal period.

DOCUMENT NAME 20090910fslg07 PURCHASES (1004-01)

5. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Awarded a nine-month sole source contract extension to Wellness Council of Arizona for an employee wellness program

COMMENTS (Sole Source 10-029) Total cost for this contract shall not exceed \$65,000 during the contract period.

DOCUMENT NAME 20090910fst13 PURCHASES (1004-01)

Councilmember Shekerjian asked staff to define 'sole source' and the rationale why this type of contract is appropriate. Michael Green explained that staff uses a sole source contract where there is only one practicable or reasonable source for products or services. The contract length is seven months so that this function can eventually be rebid in conjunction with other like type

functions.

Councilmember Shekerjian made a motion to approve this agenda item. Second by Councilmember Navarro. Motion passed 7-0.

6. Awarded **Contract 2009-176**, a construction manager at risk (CMAR) with Brignall Construction Co., Inc. for construction of an art piece at the Tempe History Museum.

COMMENTS Total cost for the CMAR contract is \$60,000 and the amount of the project contingency is \$3,000.
DOCUMENT NAME 20090910PWDR02 TEMPE HISTORICAL MUSEUM (0705-04) PROJECT NO. 6702481

7. Awarded **Contract 2007-221G** for job order no. 7 with J. Banicki Construction, Inc., and a project contingency, for street milling and asphalt overlay on the Southern Avenue curb lanes, east and west bound between Priest Drive and 48th Street; and the application of crack seal and seal coat on Southern Avenue between 48th Street and the western boundary of the Tempe Canal bridge.

COMMENTS Total amount of job order no. 7 is \$639,000.09 and the project contingency is \$64,000.
DOCUMENT NAME 20090910PWDR03 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5403481

8. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Awarded **Contract 2009-177**, a construction manager at risk (CMAR) contract with D.L. Withers Construction, L.C. for renovations to the Tempe Main Police Station.

COMMENTS Total cost for the CMAR construction contract is \$5,500,002 and the amount of the project contingency is \$400,000.
DOCUMENT NAME 20090910PWDR04 POLICE - COURTS BUILDING 120 E 5TH ST (0902-16) PROJECT NO. 5503071

Councilmember Shekerjian requested that staff explain what this project represents and how it will be funded. Jerry Hart stated that this is a bond funded project previously authorized by voters. General fund monies will not be impacted in any way. Tom Ryff stated that the project renovations will take place on the east side of the police patrol facility, at 120 East Fifth Street. The lobby and basement will be renovated so that like type functions can be combined into one location. Part of the renovation funding is dedicated to information technology infrastructure. Currently there are satellite police functions that will be relocated to the renovated space, which will result in recurring office space rent savings.

Vice-Mayor Ellis commented that misinformation about these funds being allocated to the police facility on Apache Boulevard is incorrect.

Councilmember Shekerjian made a motion to approve this agenda item. Second by Councilmember Woods. Motion passed 7-0.

9. Awarded **Contract 2008-138F**, Job Order No. 6 with ForeSite Design & Construction, Inc. for renovation of the wave and filtration equipment at the Kiwanis Park Recreation Center wave pool.

COMMENTS Total amount of job order no. 6 is \$174,509.
DOCUMENT NAME 20090910PWDR05 KIWANIS COMMUNITY PARK (0706-25)
PROJECT NO. 6305081

10. Awarded **Contract 2007-221H**, Job Order No. 8 with J. Banicki Construction, Inc. for installation of speed humps on various residential streets.

COMMENTS Total amount of job order no. 8 is \$66,892.97 and the amount of the project contingency is \$6,600.
DOCUMENT NAME 20090910PWDR06 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5400943

11. Awarded **Contract 2009-178**, a professional services contract with Michael Wilson Kelly Architects, Ltd. for design and cost estimating services for the renovation of the City Hall Municipal Complex.

COMMENTS The total cost for this contract is \$139,968.50.
DOCUMENT NAME 20090910PWDR07 CITY FACILITY MAINTENANCE-UPGRADE (1001) PROJECT NO. 6709241

12. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Awarded **Contract 2009-179**, a construction manager at risk (CMAR) contract with Valley Rain Construction Corporation for replacement of the sprinkler system at Kiwanis Park. This is a bond-funded project on the approved CIP project list.

COMMENTS Total cost for the CMAR construction contract is \$2,697,494.19 and the amount of the project contingency is \$175,000.
DOCUMENT NAME 20090910PWDR08 KIWANIS COMMUNITY PARK (0706-25)
PROJECT NO. 6303091

Councilmember Navarro asked staff to give a presentation regarding this bond funded project. Mark Richwine explained that this project will replace the original irrigation system at Kiwanis Park, which was installed in 1974.

Councilmember Navarro made a motion to approve this item. Second by Councilmember Mitchell. Motion passed 7-0.

13. Awarded **Contract 2009-180**, a construction manager at risk (CMAR) design phase contract with Sundt Construction, Inc. for water quality improvements at the South Tempe Water Treatment Plant (STWTP). This is a bond-funded project on the approved CIP project list.

COMMENTS Total cost for the CMAR design contract is \$298,187.
DOCUMENT NAME 20090910PWDR09 WATER PUMPING STATION - SOUTH TEMPE (0811-10) PROJECT NO. 3203211

14. Awarded a one-year renewal of contracts with Seeds West, Crop Production Services (formerly UAP Distribution) and Western Sere for the supply of mulch, grass seed, tackifier, and other related products, as well as hydro-sprigging or hydro-seeding mixtures for use by the Parks and Recreation Department.

COMMENTS (T08-035-01 thru T08-035-03) Total amount not to exceed \$75,000.
DOCUMENT NAME 20090910fslg14 PURCHASES (1004-01)

15. Awarded **Contract 2009-181**, a one-year sole source contract to Williams & Associates for lobbyist services.

COMMENTS (Sole Source T10-042-01) Total cost for this contract shall not exceed \$96,900 during the contract period.
DOCUMENT NAME 20090910fsta11 PURCHASES (1004-01)

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *1. Introduced and held the first public hearing to authorize the execution of a quit-claim deed reconveying to Robert R. Stonoff and Anna Mary Stonoff a portion of parcel number 132-18-009A located at 1250 East Gilbert Drive in Maricopa County, unintentionally obtained by the City pursuant to a condemnation action. **The second public hearing is scheduled for September 17, 2009.**

COMMENTS The conveyance is required to reconvey to the property owners excess property inadvertently included in a condemnation order in 2007.
DOCUMENT NAME 20090910PWWS11 REAL PROPERTY DISPOSITION (0905-21-01) Ordinance No. 2009.32

D. Ordinances and Items for Second Hearing/Final Adoption

- *1. Held the **second public hearing** and adopted ORDINANCE NO. 2009.33 granting a 20 foot wide irrigation easement to the United States of America (Department of the Interior Bureau of Reclamation), **Contract 2009-182**. Said easement to extend generally from 3rd Street and Ash Avenue to 5th Street and College Avenue.

COMMENTS This easement was previously granted to Salt River Project in 2005 by Ordinance No. 2005.68 in conjunction with the Light

Rail Project. Through this action and the provision of Quit Claim Deeds from the USA to the City of Tempe and other named parties any Federal interest in the Hayden, McKinley – Kirkland Canal in this area will be extinguished.

DOCUMENT NAME 20090910PWWS12 UTILITY EASEMENT GRANTED (0904-02)
Ordinance No. 2009.33

- *2. Held the **second public hearing** and adopted ORDINANCE NO. 2009.34 for the dedication of certain real property for use as a public right of way and the grant of an exclusive water line easement from the Tempe School District #3 of Maricopa County, Arizona for the location at 1430 W. Elna Rae Street, **Contract #2009-183 (waterline easement) and Contract 2009-184 (dedication)**.

COMMENTS The exclusive water line easement and the right of way will allow the City to repair, maintain, replace and/or perform other work on the property located at 1430 W. Elna Rae Street.

DOCUMENT NAME 20090910PWWS13 UTILITY EASEMENT GRANTED (0904-02)
Ordinance No. 2009.34

- *3. Held the **second public hearing** and adopted ORDINANCE NO. 2009.36, amendments to Chapter 2, Article V, Division 19, Tempe City Code, relating to Housing Trust Fund Advisory Board by amending Section 2-355 relating to Established; Composition.

COMMENTS N/A

DOCUMENT NAME 20090910cdch01 TCC CH2-CITY CODE ADMINISTRATION
(0503-02) Ordinance No. 2009.36

- *4. Held the **second public hearing** and adopted ORDINANCE 2009.31, amendments to Chapter 19 of the Tempe City Code, relating to Motor Vehicles and Traffic by amending Sections 19-93, 19-94 and 19-122 and by adding new Section 19-93.1, relating to Wheelchair Curb Access Ramps; Sanctions.

DOCUMENT NAME 20090910PWSS01 TCC CH 19 (0503-19) Ordinance No.
2009.31

- *5. Held the **second public hearing** and adopted ORDINANCE NO. 2009.35, amendments to Chapter 33, Article IV, Tempe City Code, relating to Water Development Fees by amending Section 33-93; and to amend Chapter 27, Article II, Division 4, Tempe City Code, relating to Sewer Development Fees by amending Section 27-213.

COMMENTS This ordinance authorizes the Water Utilities Department to install an unmetered tap to a City water main to serve a fire sprinkler system added to an existing single-family residence.

DOCUMENT NAME 20090910cacc01 TCC CH 33 – WATER (0503-33) Ordinance
No. 2009.35

E. Resolutions

1. Approved RESOLUTION NO. 2009.99, **Contract #2009-185**, authorizing the Mayor to sign an Intergovernmental Agreement between the City of Tempe and the Arizona Department of Transportation regarding relocation of a portion of the Tempe Path constructed along State Route 202L and within State right of way.

DOCUMENT NAME 20090910PWSS14 ARIZONA DEPARTMENT OF
TRANSPORTATION (0107-01) Resolution No. 2009.99

2. Request approval RESOLUTION NO 2009.101, authorizing the Mayor to execute a First Amendment to Development and Disposition Agreement (and documents referenced therein) with Red's Moviola LLC, more commonly known as the Valley Art Theater.

This item was continued.

DOCUMENT NAME 20090910cdcm01 COMMUNITY DEVELOPMENT ADMIN.
(0406) Resolution No. 2009.101

3. Approved RESOLUTION NO. 2009.103, **Contract 2009-186**, authorizing the Tempe Municipal Court to accept funding for the development of a Prosecutor Module to integrate with the Court's Case Management System and to enter into a financial agreement with the Arizona Criminal Justice Commission authorizing receipt of the award. The award consists of federal grant funds under the American Recovery and Reinvestment Act (ARRA).

COMMENTS Tempe will receive funding of \$76,000 through "ARRA" federal grant monies.

DOCUMENT NAME 20090910 mcms01 TEMPE MUNICIPAL COURT Resolution No.
2009.103

4. Approved RESOLUTION NO. 2009.94 authorizing the first modification for reallocation of assessments for Rio Salado Parkway Improvement District No. 175.

COMMENTS The modification will reallocate the assessments to the property owners instead of the owner's association.

DOCUMENT NAME 20090910PWWS10 IMPROVEMENT (ASSESSMENT)
DISTRICTS (0805) Resolution No. 2009.94

5. Approved RESOLUTION NO. 2009.102, **Contract No. 2008-29B**, approving the Second Amendment to the Development and Disposition Agreement with Cardinal Management, Inc., more commonly known as the Apache ASL Trails Project.

COMMENTS The Apache ASL Trails Project is a Low Income Housing Tax

DOCUMENT NAME Credit Development for Deaf Seniors.
20090910cdls01 COMMUNITY
DEVELOPMENT/REDEVELOPMENT ADM (0403-01)
Resolution 2009.102.

6. Approved RESOLUTION NO. 2009.100 authorizing the execution and delivery of loan agreements No. 92A174-10 and No. 92A175-10, approving loans from the Water Infrastructure Finance Authority of Arizona as general obligations of the city; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

COMMENTS The Water Utilities Department has been awarded funding through WIFA for certain drinking water infrastructure improvement projects. Loan No. 92A174-10 totals \$4,084,503 (with forgivable principal of \$2.2 million); Loan No. 92A175-10 totals \$14,045,799.

DOCUMENT NAME 20090910fsjh01 BOND SERVICE ADMINISTRATION (0203-01)
Resolution No. 2009.100

- *7. Approved RESOLUTION NO. 2009.68 amending Appendix A of the Tempe City Code relating to water rates.

COMMENTS This resolution establishes the water rate structure effective November 1, 2009.

DOCUMENT NAME 20090702wudmk01 MISCELLANEOUS FEES (0210-05)
Resolution No. 2009.68

- *8. Approved RESOLUTION NO. 2009.69 adopting amendments to Appendix A of the Tempe City Code relating to wastewater rates.

COMMENTS This Resolution establishes the wastewater rate structure effective November 1, 2009.

DOCUMENT NAME 20090702wudmk02 MISCELLANEOUS FEES (0210-05)
Resolution No. 2009.69

6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also

prohibited. Violations of these rules may result in removal from the City Council meeting.

- A. Lane Carraway - Orbit's Route
No one spoke on this agenda item.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

6. PUBLIC APPEARANCES

Ed Mitchell expressed his appreciation for the City Code Chapter 19 amendments relating to the Americans with Disabilities laws. Mr. Mitchell commended various staff and the Mayor and Council for their significant contributions to this project. One area of continued concern is the accessibility of medical offices. Disabled females are disproportionately underserved by the medical community.

Another disparity among disabled individuals is the field of employment opportunities. 85% of disabled females are unable to find employment while 35-40% of men are adversely affected. The result is in a severe disparity of income for over 12 million severely disabled individuals in the United States.

Cecilia Esquer thanked the Council for placing the City Manager's employment continuation item on this agenda. Several years ago, the city was ordered to pay \$4.2 million in lawsuit damages due to discriminatory employment practices. The economy has dominated the Council's attention and the issue of unfair and unequal treatment has been set aside. Our quality of life depends on the quality of the workforce. The only managers that the Council can hold accountable are those managers that report directly to the Council, therefore the renewal of the contract with the City Manager is vital in determining whether the city manager is holding the managers under his watch accountable for their actions. If you do not hold the city manager accountable for riding the city of racism, then these problems will continue to be tolerated.

Mayor Hallman thanked Ms. Esquer for her comments and stated that if she has any information regarding discriminatory employment practices, to please share that information for administrative review. Ms. Esquer replied that she is an attorney and not at liberty to disclose this information. However, Ms. Esquer stated that the role of the city manager is to oversee operations to ensure that the work environment is discriminatory free. Mayor Hallman voiced his distress that employees are apprehensive about reporting workplace abuses and invited any city employee to contact him directly regarding their concerns.

Darryl Shandrow, student reporter at ASU, stated that he is blind. Mr. Shandrow asked that an audible traffic signal be installed at the light rail station at Dorsey and Apache Boulevard. Because this intersection is not equipped to assist the visually disabled, he must use the Orbit transit system. Since the Orbit schedule is changing, that may adversely impact his ability to get to classes. He did contact a city representative on this matter. Hopefully this will be rectified in a reasonable amount of time.

Nash Armijo, stated that it's time to stop arresting and harassing people in downtown Tempe. Now the businesses in the Valley Fair shopping center are being harassed. The signage rules are unrealistic and make it hard for people to tell which businesses are located in that shopping center. Mayor Hallman stated that there are multi-tenant signage laws that help customers identify what businesses are located within shopping centers. Mr. Armijo requested that leniency in the laws be considered until the recession subsides. Mayor Hallman suggested that Mr. Armijo work with the

Development Services Manager to discuss signage options for this location.

Eleanor Holguin stated that since she has spoken out against the Police Chief, she has become a target and is being watched. When paramedics are called to my house, the police enter my house first, which is not standard operating procedure; it's not fair. Speaking out should not deem me a hazard. I sent a letter to union members regarding rogue cops coming after me. If there was no misconduct to begin with, then Tom Ryff would not need to be protected.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Arredondo asked that the city manager meet with the city attorney regarding Suckerpunch Sally's liquor license. There is a publicity poster at their business location stating that this business is not a national chain, which was misrepresented at the liquor license public hearing. Councilmember Arredondo requested that staff give an update on this topic at a subsequent Council meeting. Mayor Hallman requested that this item be placed on an upcoming Issue Review Session.

Councilmember Arredondo commended Mark Richwine and his staff for how well they do their jobs and interact with neighborhood groups.

Councilmember Shekerjian commended the City Clerk, the Information Technology Department and the City Manager for the improved agenda process and how that makes it easier for the public to access public information.

Councilmember Shekerjian commented that there is a community market on Mill Avenue on Thursday evenings. This event includes vendors, classes and music between 5 pm and 9 pm.

Mayor Hallman invited everyone to the September 11, Healing Field event at Tempe Beach Park to honor the loss of lives as a result of a devastating terrorist attack in 2001.

Meeting adjourned at 8:47 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of September 10, 2009, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2009.